



125 BROAD STREET, NEW YORK, NY 10004 TEL 212 471-8500 FAX 212 344-3333 WWW.HERZFELD-RUBIN.COM

Brian T. Carr, Esq.
bcarr@herzfeld-rubin.com
Direct Dial: (212) 471-8466

February 12, 2015

VIA ECF

Hon. Paul E. Davison
United States Magistrate Judge
Southern District of New York
300 Quarropas Street, Courtroom 620
White Plains, NY 10601-4150

Re: Goldstein et al. v. Solucorp, et al., Case No.: 11 Civ 6227 (VLB)

Dear Judge Davison:

We represent plaintiffs in this matter. At a conference before this Court on Monday, December 8, 2015, your Honor imposed a deadline of January 30, 2015 to complete discovery in this matter. Among the outstanding discovery at that time were the depositions of defendants Greene and Solucorp. Subsequent to that conference, plaintiffs requested an extension of our time to move for default against Solucorp based on Solucorp's counsel's representation that Solucorp would present a witness for deposition before the Court ordered discovery deadline of January 30, 2015. Due to scheduling conflicts and weather delays, the deposition of Solucorp's representative is now scheduled for February 13, 2015.

The deposition of defendant Greene was conducted on January 22 and 23 in Florida. During his deposition Mr. Greene testified that he had extensive records relevant to this matter located in a file maintained in his home. Mr. Greene further testified that he was never made aware of discovery demands served on him by his prior counsel and that he had conducted no search for responsive documents. We have requested that Mr. Greene produce all relevant documents at his earliest convenience. Unfortunately, Mr. Greene was recently released from federal prison and is now in a halfway house. He has indicated that he is not free to travel to his home to review the materials and produce them to us. He has further stated that he expects to have access to the records sometime in March of this year.

The records in Mr. Greene's possession may include stock purchase agreements, transfer documents, correspondence and other documents that are extremely material to the claims raised herein. Furthermore, after Mr. Greene's deposition, and based on the testimony elicited therein, plaintiffs have served a subpoena on American Registrar, the transfer agent for the sale of EMHI stock that is at the crux of this matter. The return date for the subpoena is March 13, 2015.

AFFILIATES

LIVINGSTON, NEW JERSEY

LOS ANGELES, CALIFORNIA

GARDEN CITY, NEW YORK

BUCHAREST, ROMANIA

YANGON, MYANMAR



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Because of the vital nature of the outstanding discovery, we write today to request that the Court extend the discovery deadline in this action to April 30, 2015. This extension will permit the parties to complete all outstanding discovery, to receive and analyze the documents from Mr. Greene and possibly schedule his further deposition. If this discovery is not permitted the plaintiffs will be severely prejudiced. These delays were caused through no fault of the plaintiffs in this matter and are a result of Mr. Greene's incarceration and his failure to produce relevant materials pursuant plaintiffs' demands. We also request that the conference currently scheduled for February 24, 2015 be adjourned until after we have had an opportunity to conduct this vital discovery. We have contacted all counsel of record in this matter regarding the adjournment of the conference and the discovery extension and none have raised objections.

Respectfully submitted,

Brian T. Carr (BC-2519)

cc: All counsel of Record (By ECF)